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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,

10 Plaintiff,

11 v.

12 Abdul Malik Abdul Kareem,

13 Defendant.
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No. CR-15-00707-001-PHX-SRB

ORDER

15 On October 15, 2021, the Government filed a Motion to Continue Sentencing (Doc.
16 733) requesting a continuance because a new AUSA will be participating in the
17 resentencing hearing. The addition of the new AUSA resulted from guidance from the
18 Justice Department presumably because of the September 22, 2021 defense filing of a
19 Motion for Court to Evaluate Government Attorneys' Potential Conflict of Interest (Doc.
20 710). The Government responded to the motion on October 7, 2021 (Doc. 719) denying
21 either a potential or actual conflict of interest. The Government's Motion to Continue
22 states that defense counsel do not oppose the motion.

23 Defendant's resentencing is necessitated by this Court's December 23, 2019
24 indicative Order to reverse Defendant's conviction on Count 2 of the Second Superseding
25 Indictment (Doc. 640). The pending appeals were voluntarily dismissed, the Court granted
26 a new trial on Count 2 on April 30, 2020 (Doc. 664) and the Government subsequently
27 elected to dismiss Count 2. Count 2 was dismissed on June 16, 2020 (Doc. 677).
28 Resentencing was not immediately reset, in part, due to the COVID-19 pandemic and the


1 restrictions on in-person criminal proceedings that resulted.

2 On March 18, 2021, the Court held a telephonic hearing to discuss a resentencing
3 date and to discuss the parties' intentions for an evidentiary hearing, which would include
4 testimony from several federally incarcerated persons (Doc. 690). Because of the need to
5 investigate the logistics involved in arranging for the witnesses' video appearances and the
6 Defendant's appearance, no firm sentencing date could be set. A subsequent hearing was
7 held on July 29, 2021 and resentencing was set for October 19, 2021 (Doc. 700).

8 In order to have the resentencing hearing and to hear the evidence the parties wish
9 to present, arrangements have been made by the Court, the Government and the institutions
10 where the witnesses are housed for video testimony. More importantly, Defendant has
11 been held in isolation at Core Civic since October 5, 2021 (Docs. 713, 718) so that he can
12 appear in person. In the Court's view, a further delay in resentencing is not warranted even
13 though the new AUSA may not be as prepared as he would like. The time and effort
14 already expended to allow this hearing to take place and the potential additional forced
15 isolation of Defendant if this hearing is delayed outweighs the Government's desire for
16 more time to prepare.

17 IT IS ORDERED denying Government's Motion to Continue Sentencing (Doc.
18 733).

19 Dated this 18th day of October, 2021.

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24 Susan R. Bolton
25 United States District Judge
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